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December 6, 2024

Via ECF

The Hon. Taryn A. Merkl, U.S.M.J.
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Hernandez v. Happy Street LLC et al*
Case No.: 1:22-cv-06918-DG-TAM

Dear Honorable Magistrate Judge Merkl:

This law firm represents Plaintiff Aaron Hernandez (the “Plaintiff”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Practices Rules, and the directives contained in Your Honor’s May 8, 2024 Minute Entry and Order, this letter respectfully serves to provide the Court with a status update in the above-referenced matter.

Plaintiff hereby certifies that fact discovery in the instant action closed on November 22, 2024. Plaintiff does not anticipate taking any expert discovery.

On December 6, 2024 at 2:27 p.m., the undersigned emailed counsel for Defendants Happy Street LLC, Happy Street Too LLC (together, the “Corporate Defendants”) and Slobodan Radivojevic a/k/a Bob Radivojevic (the “Individual Defendant”, and collectively, the “Defendants”) a copy of the instant letter, for his comment.

On December 6, 2024 at 2:30 p.m., Defendants’ counsel simply responded that he “do[es] not approve and Defendants seek an extension of time to complete discovery.” Despite multiple meet-and-confer attempts via email, and requests for clarification, Defendants’ counsel declined to substantiate the basis of Defendants’ anticipated letter motion to re-open fact discovery, which closed on November 22, 2024. The only simple explanation here is that Defendants are trying to needlessly prolong this action, and derail the January 6, 2025 dispositive motion practice commencement deadline by manufacturing discovery issues.

The Court should be aware that as of the date of the instant letter, Defendants have not propounded **any** discovery requests. To be clear: Defendants have not issued **any** requests for the production of documents, interrogatories, or noticed any depositions. Nor have Defendants produced **any** time or payroll records, in response to Plaintiff’s discovery requests. Thus, Defendants do not appear to have any substantive defenses in this action – and are simply engaging in procedural gamesmanship.

To re-open discovery now – at the proverbial thirteenth hour – would significantly prejudice Plaintiff.

Plaintiff thanks this Court for its time and attention to this case.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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VIA ECF: All Counsel of Record